

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

M.A. 213 of 2000 (CPC 113 of 1999)  
(Arising out of OA 724 of 1997)

Present : Hon'ble Mr. D. Purakayastha, Judicial Member  
Hon'ble Mr. G.S.Maingi, Administrative Member

UNION OF INDIA & ORS

VS

P.K.BANDYOPADHYAY

For the petitioners : Mr. K.Sarkar, Counsel

For the OP : Mr. B.C.Sinha, Counsel

Heard on : 31.8.2000 : Order on : 14.9.2000

O R D E R

G.S.Maingi, A.M.:

This Misc. Application has been filed by the respondents of O.A. 724 of 1997, who are also the alleged contemnors in CPC 113 of 1999 praying for allowing the instant MA to be treated as a supplementary affidavit to the original affidavit-in-opposition filed by them in CPC 113/99.

2. OA 724 of 1997 was filed by the original applicant (OP in the instant MA) challenging his dismissal order passed by the disciplinary authority. The applicant was working as a Guard in the S.E.Rly. and he was removedd from service by an order dt. 24.4.95. His appeal against the said removal order was also rejected. The Tribunal after full adjudication of the aforesaid OA allowed the same by its order dt. 17.9.99 directing the respondents to reinstate the applicant forthwith treating that he was <sup>on</sup> duty till date and the respondents were also directed to make all payments of back salary admissible to him from the date of removal till the date of reinstatement within three months.

3. The aforesaid order having not been complied with, the applicant filed a contempt petition bearing No. CPC 113/1999. A show cause notice was issued on the alleged contemnors and a reply was

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filed by them. In the reply it was stated that the applicant was reinstated in service on 5.1.2000 and that his arrear bills were drawn to the tune of Rs. 4,53,999/-. However, subsequently it was detected that the said bill was wrongly drawn by adding the running allowance amounting to Rs. 1,41,873/- and that the applicant would be entitled to receive only Rs. 3,12,126/-. However, after hearing the contempt petition on merit, it was disposed of on 13.4.2000 wherein liberty was granted to the respondents to pay to the applicant Rs. 3,12,126/- as per their calculation and the applicant was also directed to accept the said money. The applicant was also given liberty to file a fresh OA if he is aggrieved in the matter of calculation of the amount payable to him by the respondents.

4. In the present MA, the respondents have submitted that running allowance was wrongly calculated while raising the bill of Rs. 4,32,956. It is also submitted that due to such wrong calculation a sum of Rs. 1,41,873/- was sought to be paid in excess, as already intimated to the applicant.

5. We heard the ld. counsel for both the parties. It is not understood as to under which rules, this MA has been filed. As already pointed out the CPC has already been disposed of on 13.4.2000 and therefore there is no question of treating the present MA as a supplementary affidavit in connection with the said CPC which stood disposed of. Moreover, while disposing the said CPC, we directed the respondents to pay to the applicant an amount of Rs. 3,12,126/- which according to them is the correct amount admissible to him. In this MA it is the contention of the respondents that the net amount payable to the applicant is Rs. 2,91,083/-.

6. It appears that the respondents are shifting their stand and seeking a direction from this Tribunal for further deducting an amount of Rs. 1,41,873/- from the applicant. This is very strange.

7. Anyway, when the CPC has already been disposed of, no further MA lies in connection with the said CPC. If there was any

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